

ZB# 86-23

Bryant Harris

67-4-1.2

86-23 - Bx Harris, Bryant - bldg. hgt. ~~van~~ (663)

Prelim.

7/14/86.

App. provided

Public Hearing:

Aug. 11, 1986.

7/17/86. Notice to Sentinel

~~Wed 8/25/86~~

~~check~~

Bldg. height

variance

Granted

8/12/86

General Receipt

7979

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

August 12 19 86
\$ 25.00

Received of

Bryant Harris

= Twenty-Five Dollars 00/100 DOLLARS

For

Variance Application fee # 86-23

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check # 200</u>		<u>25.00</u>

By

Pauline H. Townsend

Town Clerk

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of
BRYANT HARRIS

DECISION GRANTING
AREA VARIANCE

#86-23.

-----X

WHEREAS, BRYANT HARRIS, Riley Road, New Windsor, N. Y., 12550, has made application before the Zoning Board of Appeals for 7 ft. height variance for purposes of construction of an accessory building to house construction equipment; and

WHEREAS, a public hearing was held on the 11th day of August, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant HARRIS represented himself;
and

WHEREAS, the application was unopposed;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct an accessory building for storage purposes with insufficient building height.

3. The evidence presented by the applicant substantiated the fact that practical difficulty would be encountered if the applicant was denied the variance.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the height variance requested is not granted due to the fact that if the bulk requirements were followed to the letter, a substantial building would not be permitted to be built in order to alleviate the applicant's storage problem.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7 ft. height variance in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 8, 1986.

S/ Jack Babcock
Chairman

Prelim. (4)
7/14/86 -
7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

86-23.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date 6/12, 1986.

To: BRYANT HARRIS
P.O. Box 525 Riley Rd. 564-6089
New Windsor, New York 12550

PLEASE TAKE NOTICE that your application dated 6/10, 1986
for permit to BUILD GARAGE ON PROPERTY - R-3 ZONE
at the premises located at DENN HILL Rd & RILEY Rd

is returned herewith and disapproved on the following grounds:

No Accessory Building Shall Not Exceed (15th) Fifteen
Feet In (Height) Contractor - (security reasons.)

30x50' Building

Asst.
John J. Jannigan Zoning Inspector
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		

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No Accessory Building shall Not Exceed (15) Fifteen
Feet In (Height) Contract - (security reasons)

30x50' Building

Asst. John D. ...
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.	<u>15 Ft</u>	<u>22 Ft</u>
Min. Floor Area*		
Dev. Coverage*	<u>7%</u>	<u>7%</u>
Floor Area Ratio**		<u>IX</u>

* Residential Districts only ①

** Non-residential districts only

Name of Owner of Premises Bryant Harris
Address P.O. Box 525 Riley Rd Phone 564-6089
Name of Architect on plan
Address Phone
Name of Contractor B.R.H. General Contractors
Address P.O. Box 525 Riley Rd Vails Gate N.Y. Phone 564-6089
State whether applicant is owner, lessee, agent, architect, engineer or builder:
If applicant is a corporation, signature of duly authorized officer:

.....
(Name and title of corporate officer)

1. On what street is property located? On the N. side of Riley Rd
(N. S. E. or W.)
and 254.9' feet from the intersection of Riley Rd & Dean Hill Rd
2. Zone or use district in which premises are situated R 3
3. Tax Map description of property: Section 67 Block 4 Lot 102
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy b. Intended use and occupancy garage & storage
5. Nature of work (check which applicable): New Building ☒ Addition Alteration Repair Removal
Demolition Other Garage
6. Size of lot: Front 100 Rear 100 Depth 354.8 Front Yard 30 Rear Yard 36 Side Yard 40
Is this a corner lot? yes
7. Dimensions of entire new construction: Front 50 Rear 50 Depth 30'6" Height 22' Number of stories 2
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets
Heating Plant: Gas Oil ☒ Electric /Hot Air Hot Water
If Garage, number of cars 1
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost 25,000 Fee \$1.25
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point.

Address P.O. Box 525, Riley Rd., Vails Gate, N.Y. Phone 564-6084

State whether applicant is owner, lessee, agent, architect, engineer or builder:.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the N. side of Riley Rd.
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and 254.9' feet from the intersection of Riley Rd. & Dean Hill Rd.
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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-When excavating is complete and footing forms are in place (before pouring).
- 2-Foundation Inspection - check here for waterproofing and footing drains.
- 3-Inspect gravel base under concrete floors, and underslab Plumbing.
- 4-When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5-Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

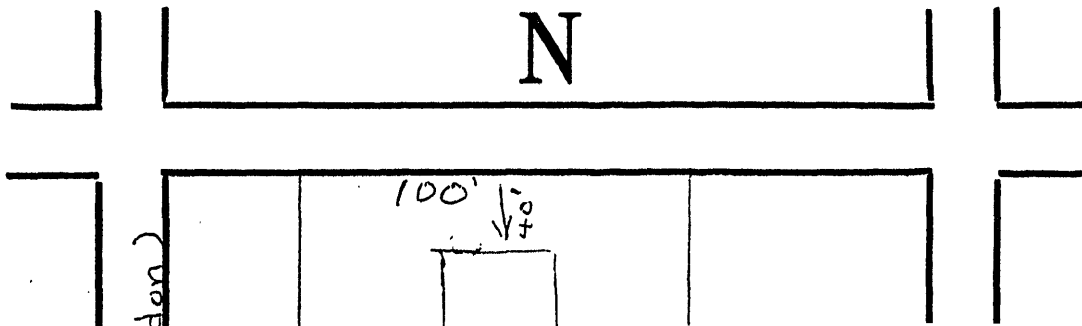
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

P.O. Box 525, Vails Gate, N.Y.
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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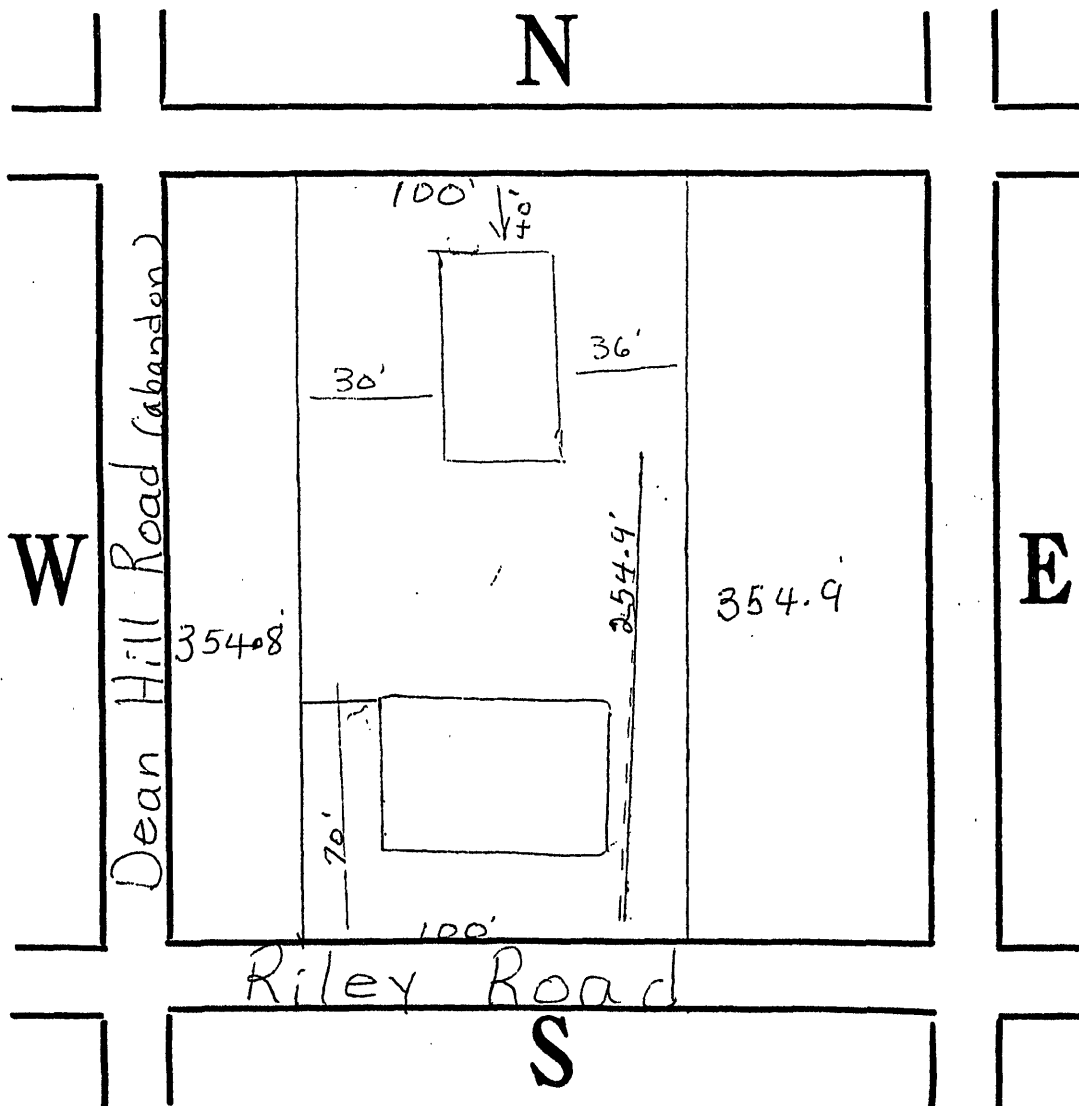
.....*Bryant Harve*.....
(Signature of Applicant)

.....P.O. Box 525, Vails Gate, N.Y.
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

August 12, 1986

Mr. Bryant Harris
P. O. Box 525 - Riley Road
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE (BUILDING HEIGHT)
#86-23

Dear Mr. Harris:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to grant the above request for an area variance. This decision was made at the August 11, 1986 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia Delio".

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector
Planning Board

Pat

**PUBLIC NOTICE OF
HEARING BEFORE
ZONING BOARD OF
APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 23
Request of Bryant Harris for a VARIANCE of the regulations of the Zoning Local Law to permit accessory building (garage) with insufficient building height being a VARIANCE of Section 48-12 Table of Use/Bulk Reg. - Col. I for property situated as follows:

Northside of Riley Road, New Windsor, N.Y. - Tax map designation Section 67, Block 4, Lot 1,2.

SAID HEARING will take place on the 11th day of August, 1986, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock p.m.

Jack Babcock
Chairman

By: Patricia Delio
Secretary

State of New York

County of Orange, ss:

Ernest W. Smith, being duly sworn

disposes and says that he is

Publisher of the E.W. Smith

Publishing Company, Inc. publisher

of The Sentinel, a weekly newspaper

published and of general circulation

in the Town of New Windsor, and that

the notice of which the annexed is

a true copy was published once

in said newspaper, commencing on

the 24th day of July A.D., 1986

and ending on the 24th day of July

A.D. 1986

Ernest W. Smith

Subscribed and shown to before me

this 11th day of Aug, 1986

Patricia Delio

Notary Public of the State of New York
County of Orange.

My commission expires 3/31/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

86-23

Date: 7/17/86.

I. Applicant Information:

- (a) Harris Bryant, Riley Rd. New Windsor X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-3 Riley Road 67-4-1.2 100x100'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner?
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

IV. Use Variance:

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:~~
~~(Describe proposal) _____~~

- (b) ~~The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.~~

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/ Bulk Regs., Col. I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>15 ft.</u>	<u>22 ft.</u>	<u>7 ft.</u>
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Accessory bldg. needed for storage of heavy equipment & supplies for contracting business to alleviate theft.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date July 17, 1986.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

x Mable G. Wilson
(Applicant)

Sworn to before me this

17th day of July, 1986.
Patricia Delio

XI. ZBA Action:

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 43

Request of Bryant Harris

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning ^{Local Law} Ordinance to

permit Accessory building (garage)
with insufficient building height

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Use/Bulk Regs. - Col. I
for property situated as follows:

North side of Riley Road, New Windsor,
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SAID HEARING will take place on the 11th day of
Aug., 1956., at the New Windsor Town Hall,
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7:30 o'clock P. M.

Jack Babcock
Chairman